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MINUTES OF COUNCIL REGULAR MEETING – JULY 1, 2008

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THE CITY COUNCIL MET IN REGULAR SESSION ON TUESDAY, JULY 1, 2008, AT 6:30 P.M., IN THE COUNCIL CHAMBERS, WEST VALLEY CITY HALL, 3600 CONSTITUTION BOULEVARD, WEST VALLEY CITY, UTAH. THE MEETING WAS CALLED TO ORDER BY MAYOR NORDFELT.

THE FOLLOWING MEMBERS WERE PRESENT:

Dennis J. Nordfelt
Corey Rushton
Steve Vincent
Mike Winder

Wayne Pyle, City Manager
Sheri McKendrick, City Recorder

ABSENT: Russ Brooks
Carolynn Burt
Joel Coleman

STAFF PRESENT:

Paul Isaac, Assistant City Manager
John Evans, Fire Chief
Russell Willardson, Public Works Director
Joseph Moore, CED Director
Jim Welch, Finance Director
Kevin Astill, Parks and Recreation Director
Layne Morris, Community Preservation Director
Mike Wells, Acting Police Chief
Claire Gilmoor, Acting City Attorney
Jake Arslanian, Public Works Department

14113 OPENING CEREMONY

The Opening Ceremony was conducted by Mike Winder who read an essay regarding police officers and expressed appreciation for the service of the men and women of the City's Police Department.

14114 SCOUTS

Mayor Nordfelt welcomed Scout Troop No. 239 in attendance to complete requirements for the Citizenship in the Community and Communications merit badges.

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14115 **APPROVAL OF MINUTES OF REGULAR MEETING HELD JUNE 17, 2008**

The Council read and considered the Minutes of the Study Meeting held June 17, 2008. There were no changes, corrections or deletions.

After discussion, Councilmember Vincent moved to approve the Minutes of the Regular Meeting held June 17, 2008, as written. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14116 **COMMENT PERIOD**

Upon inquiry by Mayor Nordfelt, the following individual addressed the City Council during the Comment Period:

Ron Farber, 1450 East 8175 South, addressed the City Council. Mr. Farber stated he was a caregiver to his wife and daughter, and a Section 8 voucher recipient. He expressed concern with the recertification process and stated he thought it was due to turnover in the Housing Authority office. He requested a hearing for this matter as the issues were very serious and there were misunderstandings and mistakes that needed to be resolved without him and his family being put out on the streets. Mr. Farber indicated he would submit written information to the City and answered questions from members of the City Council regarding his dealings with the Housing Authority staff. Mr. Farber stated he was a board member of the Disabled Rights Action Committee so was very knowledgeable and willing to offer assistance to the West Valley City Housing Authority. He suggested the Housing Authority, HUD, Workforce Services, and other agencies work together.

City Manager, Wayne Pyle, suggested to Mr. Farber that he contact Layne Morris, Community Preservation Director.

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14117

PUBLIC HEARING, APPLICATION NO. S-21-2006, FILED BY CHRIS DRENT, REQUESTING AN AMENDMENT TO PHASE 1 OF THE SUNSET HILLS PUD SUBDIVISION LOCATED AT 6600 SOUTH SR-111
City Manager, Wayne Pyle, stated a public hearing had been advertised for the Regular Council Meeting scheduled July 1, 2008, at 6:30 P.M., in order for the City Council to hear and consider public comments regarding Application No. S-21-2006, filed by Chris Drent, requesting an amendment to Phase 1 of the Sunset Hills PUD Subdivision located at 6600 South SR-111. He discussed proposed Ordinance No. 08-34 related to the Application to be considered by the City Council subsequent to the public hearing, as follows:

City Manager, Wayne Pyle, presented proposed Ordinance No. 08-34 which would approve an amendment of the Sunset Hills PUD Phase 1 Subdivision located in West Valley City.

Mr. Pyle advised the applicant requested the amendment to correct a surveying error. He stated the Sunset Hills Phase 1 Subdivision had been recorded with the Salt Lake County Recorder's Office in October 2007. He further stated subsequent to recordation of the plat a problem occurred with the field survey which would require a new plat. He indicated according to the surveyor the field survey points were rotated from what was shown on the recorded subdivision plat. The rotation was small enough it had gone undetected for most of the construction process. As a result, some of the improvements had actually been constructed outside the boundary of the plat. The amended plat would now match what was constructed in the field.

The City Manager reported although the error was rather small it was significant as it related to the dedication and improvements in 6600 South and Oquirrh Mesa Drive. The full Oquirrh Mesa Drive right-of-way would be dedicated in the constructed location by the plat. The 6600 South right-of-way was projected to be 80 feet. The developer dedicated their portion of 40 feet as part of the subdivision process. He further reported that due to the surveying error, the road improvements had been constructed approximately 1.3 feet on property outside the City's boundary.

Mr. Pyle stated that after discussing the matter with the City Engineering Division and Attorney's Office, a determination had been made to allow the existing improvements to remain as long as the full 80 foot right-of-way would eventually be constructed. The Engineering Division suggested an access easement be granted in favor of West Valley City so the existing right-of-way could be used for public access. In addition other easement, the property owner to the south would be

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responsible to dedicate the necessary right-of-way to complete the 80 foot requirement upon development of their property.

The City Manager stated the City had prepared the access easements for the adjacent property owners to sign. He indicated the completed documents would then be recorded along with the plat to ensure full access could be gained from 6600 South.

Mayor Nordfelt opened the public hearing.

Chris Drent, 45 West 10000 South, Sandy, Utah, addressed the City Council. Mr. Drent explained the subject error and efforts to correct that mistake. He requested approval.

There being no one else to speak either in favor or in opposition, Mayor Nordfelt closed the public hearing.

Councilmember Rushton disclosed he had a family connection to the property and stated he had no personal conflicts regarding the matter.

ACTION: ORDINANCE NO. 08-34, APPROVING AMENDMENT OF THE SUNSET HILLS PUD PHASE 1 SUBDIVISION LOCATED AT 6600 SOUTH SR-111 IN WEST VALLEY CITY

The City Council previously held a public hearing regarding Application No. S-21-2006, filed by Chris Drent, and proposed Ordinance No. 08-34 which would approve an amendment of the Sunset Hills PUD Phase 1 Subdivision located at 6600 South SR-111 in West Valley City.

After discussion, Councilmember Winder moved to approve Ordinance No. 08-34, Approving an Amendment of the Sunset Hills PUD Phase 1 Subdivision Located at 6600 South SR-111 in West Valley City. Councilmember Vincent seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

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RESOLUTION NO. 08-191, APPROVE AN AGREEMENT WITH THE FERGUSON GROUP, L.L.C. FOR REPRESENTATION IN WASHINGTON, D.C. FOR THE FOUR YEAR PERIOD COMMENCING JULY 1, 2008, AND ENDING JUNE 30, 2011

City Manager, Wayne Pyle, presented proposed Resolution No. 08-191 which would approve an Agreement with the Ferguson Group, L.L.C., for representation in Washington, D.C. for a four year period commencing July 1, 2008, and ending June 30, 2011.

Mr. Pyle stated further explained services to be provided and payment schedules as follows: 1) The first year of the contract would be \$88,000 payable in advance in equal monthly installments of \$7,333.33; 2) The second year of the contract would be \$91,000 payable in advance in equal monthly installments of \$7,583.33 from July 1, 2009, through June 30, 2010; 3) The third and fourth year of the contract would be \$94,000.00 payable in advance in equal monthly installments of \$7,833.33 from July 1, 2008, to June 30, 2011. In addition, the City would pay up to \$6,000.00 per year in reimbursable expenses.

The City Manager reported that for many years the City and The Ferguson Group had entered into contractual agreements to provide representation in Washington, D.C. He stated that through such representation, The Ferguson Group had helped the City attain numerous goals and objectives and maintain an aggressive federal agenda. He stated the most recent agreement expired June 30, 2008.

After discussion, Councilmember Rushton moved to approve Resolution No. 08-191, a Resolution Authorizing the City to Enter into an Agreement with the Ferguson Group, L.L.C. for Representation in Washington, D.C. for the Four Year Period Commencing July 1, 2008, and Ending June 30, 2011. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

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RESOLUTION NO. 08-192, SETTING FORTH THE WEST VALLEY CITY FEDERAL AGENDA WHICH IS A LIST OF THE CITY'S PRIORITIES FOR APPROPRIATION OF FEDERAL FUNDS DURING THE FEDERAL 2008 FISCAL YEAR

City Manager, Wayne Pyle, presented proposed Resolution No. 08-192 which sets forth the West Valley City federal agenda listing the City's priorities for appropriation of federal funds during the federal 2008 fiscal year.

Mr. Pyle stated each year West Valley City developed a list of priority projects and issues the City would seek federal funding support to accomplish. He also stated this year representatives from the Ferguson Group, Ron Hamm and Sarah Stockdale, interviewed all of the Department Heads to determine priorities for potential federal projects to and them in accomplishing the mission of their department. At the conclusion of those meetings, Mr. Hamm and Ms. Stockdale met with the City Manager and CED Director to determine priority for the coming fiscal year. Mr. Pyle reported he then went to the City Council to confirm or alter those priorities. He reported the current priority was: 1) Intermodal Center; 2) Intermodal Plaza Greenway Project; 3) Hands-on Science; 4) Metro Forensics Laboratory; 5) Utah Cultural Celebration Center (UCCC) Programs Support; and 6) Public Safety Communications Equipment. Mr. Pyle also expressed concern with the impacts of federal budget reductions with the Community Development Block Grant (CDBG) Program and the City's Housing Authority programs.

The City Manager reported that in November, 2007, Ron Hamm scheduled appointments with the City Manager and Department Heads over a two day period to discuss the department needs, and also programs that might meet those needs through federal funding. During the interview process, Ron Hamm and Sarah Stockdale developed a list of potential federal resources to fund the identified department needs. Mr. Pyle stated from this list, the City Council recommended priorities as outlined in the issue paper including projects as follows: 1) West Valley Intermodal Center; 2) West Valley City Intermodal Plaza Greenway Project; 3) Hands-on Science; 4) Metro Forensics Laboratory; 5) Utah Cultural Celebration Center (UCCC) Programs Support; and 6) Public Safety Communications Equipment.

After discussion, Councilmember Vincent moved to approve Resolution No. 08-192, a Resolution of the City Council Setting Forth the West Valley City Federal Agenda, Which is a List of the City's Priorities for the Appropriation of Federal Funds During the Federal 2008 Fiscal Year. Councilmember Rushton seconded the motion.

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A roll call vote was taken:

Mr. Vincent	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14120

RESOLUTION NO. 08-193, AWARD CONTRACT TO CODY EKKER CONSTRUCTION INC. FOR CONSTRUCTION OF THE 2200 WEST IMPROVEMENT PROJECT

City Manager, Wayne Pyle, presented proposed Resolution No. 08-193 which would award a contract to Cody Ekker Construction Inc. in the amount of \$442,731.00 for construction of the 2200 West Improvement Project.

Mr. Pyle stated bids had been solicited and a total of six bids had been received as follows: 1) Cody Ekker: \$442,731.00; 2) Stapp Construction: \$450,267.45; 3) M.C. Green & Sons: \$505,475.00; 4) Bowen Construction: \$536,616.00; 5) Cunningham Construction: \$559,612.25; and 6) Kriser-White Construction: \$547,910.00.

The City Manager reported the lowest responsible bid had been received by Cody Ekker Construction, Inc. in the amount of \$442,731.00. He further reported the project consisted of installation of sidewalk, curb and gutter, stamped concrete park strip, concrete driveway approaches, storm drain/irrigation pipe, and street lights. He indicated a contractor would be required to tie in improvements to home owners' properties which may include fencing, sod, and topsoil. He advised the project would be funded with Community Development Block Grant (CDBG) monies.

Mayor Nordfelt advised that Councilmember Burt represented this City District and she had worked very hard regarding this project.

After further discussion, Councilmember Winder moved to approve Resolution No. 08-193, a Resolution Awarding a Contract to Cody Ekker Construction, Inc. and Authorizing the Execution of a Contract for the 2200 West Improvement Project. Councilmember Vincent seconded the motion.

A roll call vote was taken:

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Mr. Vincent	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

14121 **APPLICATION NO. S-15-2007, FILED BY JEAN DIXON, REQUESTING
FINAL PLAT APPROVAL FOR HOLLOW CREEK SUBDIVISION
LOCATED AT 3315 SOUTH 6400 WEST**

City Manager, Wayne Pyle, presented Application No. S-15-2007, filed by Jean Dixon, requesting final plat approval for Hollow Creek Subdivision located at 3315 South 6400 West.

Mr. Pyle stated the applicant had requested approval for a five lot subdivision to be known as Hollow Creek Subdivision. He also stated a similar version of the plat consisting of four lots, had been previously approved by the City Council. However, due to market conditions, the applicant had proposed to add an additional lot in the subdivision. He indicated the subject property was bordered on the north, east and south by existing residential development. He advised the subject property had been re-zoned in April 2007, from the 'A' zone to the 'R-1-7' zone.

The City Manager reported the subdivision would consist of five lots on 1.5 acres. He advised there were two existing single-family dwellings currently located within the subdivision boundary. He stated the dwelling on Lot 1 would remain while the other dwelling would be removed to provide access to the subdivision. He further stated as all new lots would be considered flag lots they would need to meet the minimum requirements of 8,750 square feet.

Mr. Pyle further reported the subject property had been re-zoned a few months back. As part of the re-zone, the applicant agreed to a number of development standards. He advised staff had provided these standards for the Council's review.

City Manager, Wayne Pyle, stated access to the subdivision would be gained from 6400 West and Lots 2-5 would gain access via a private lane. A turnaround had been provided between Lots 3 and 4 for emergency vehicles. The private lane would be maintained in common by the owners of Lots 2-4. The private lane would be improved with curb and gutter. The original plat called for a sidewalk on the south side of the private street however, the developer opted to remove this improvement in order to increase the size of the proposed lots. He stated the Council might recall a discussion regarding the sidewalk in the subject

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subdivision. He indicated that during that review comments had been made that sidewalk seemed excessive for a subdivision of this size. He indicated in lieu of the sidewalk, the Planning Commission recommended a three foot strip be landscaped along the south boundary of the subdivision.

Mr. Pyle reported street improvements along 6400 West would consist of curb, gutter and sidewalk. He stated the connection of new improvements with those already existing along 6400 West would need to be coordinated with the City Engineering Division.

The City Manager stated as with all new subdivision development there was a concern with the potential of ground water impacts. He further stated the applicant had submitted a soils report indicating ground water had not been encountered to a depth of one foot.

Mr. Pyle indicated the new lane providing access into the subdivision would create double frontage lots for those existing residences to the south. He also stated in order to mitigate the problems that could arise from this situation the developer had agreed to install a six foot vinyl fence which would extend along the entire south property line.

After discussion, Councilmember Vincent moved to approve Application No. S-15-2007, and give final plat approval for Hollow Creek Subdivision located at 3315 South 6400 West. Councilmember Winder seconded the motion.

A roll call vote was taken:

Mr. Vincent	Yes
Mr. Winder	Yes
Mr. Rushton	Yes
Mayor Nordfelt	Yes

Unanimous.

THERE BEING NO FURTHER BUSINESS OF THE WEST VALLEY CITY COUNCIL, THE REGULAR MEETING OF TUESDAY, JULY 1, 2008, WAS ADJOURNED AT 6:49 P.M., BY MAYOR NORDFELT.

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I hereby certify that the foregoing to be a true, accurate and complete record of the proceedings of the Regular Meeting of the West Valley City Council held Tuesday, July 1, 2008.

Sheri McKendrick, MMC
City Recorder

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